

Application No.: 10/081,555

Attorney Docket No.: SALK2270-5

Filing Date: February 20, 2002

(088802-5212)

Amendment in Response to Office Action (mailed 11/19/04) faxed 12/17/04

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### Remarks

By the present communication, claims 2 and 27-29 have been amended, and claims 32-37 have been added to define Applicants' invention with greater particularity. No new matter is added by the subject amendments as all amended and new claim language is fully supported by the specification and original claims. In addition, by the present communication, non-elected claims 1, 6-26, 30 and 31 have been cancelled, without prejudice, subject to Applicants' right to file divisional application(s) directed thereto.

Further, pursuant to the Notice of Non-Compliant Amendment mailed February 11, 2005, the status identifier for non-elected claims 2, 3, 5 and 27-29 has been revised to indicate that these claims are, at present, withdrawn, subject to Applicants' request for reconsideration of the pending requirement for restriction.

In addition, by the present communication, the specification has been amended to acknowledge United States Government Support for this invention.

The restriction of claims 1-31 under 35 U.S.C. § 121 as allegedly being drawn to 11 separate inventions, is respectfully traversed.

It is respectfully submitted that the claims have been restricted into an excessive number of groups. For example, the Group II claims (i.e., claim 3), Group III claims (i.e., claim 4) and Group IV claims (i.e., claim 5) could readily be searched in a single application. Each of these claims are classified in the same class/subclass, and each relate to methods of evaluating compounds for the ability to modulate the same receptor—SXR polypeptide.

Similarly, each of the Group V-Group IX claims are classified in the same class/subclass, and all relate to methods of modulating processes in which SXR polypeptide is a key component.

Accordingly, reconsideration of the requirement for restriction, and regrouping the claims into fewer groups, are respectfully requested.

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In order to be fully responsive, Applicants hereby elect the Group III claims (i.e., claim 4 and claims 32-37 which directly or indirectly depend therefrom) for prosecution on the merits. Based on the amendments submitted herewith, it is requested that at least claims 2 and 27-29 also be prosecuted in conjunction with elected claim 4 (and newly presented claims 32-37 which directly or indirectly depend therefrom). In addition, it is respectfully requested that the Group II and Group IV claims (i.e., claims 3 and 5) also be prosecuted in conjunction with elected claim 4.

It is noted that the Examiner also asserted a contingent requirement for election of species. However, no election is believed to be required at this time since the contingent requirement was premised on election of only certain groups of claims, which have not been elected herein. Clarification is respectfully requested if this understanding is in error.

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Conclusion

In view of the above amendments and remarks, prompt and favorable action on all **claims** is respectfully requested. In the event any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Respectfully submitted,

Date: March 1, 2005

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